

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

|                 |   |                    |
|-----------------|---|--------------------|
| BRYAN ROSS,     | ) |                    |
|                 | ) |                    |
| Petitioner,     | ) |                    |
|                 | ) |                    |
| vs.             | ) | NO. CIV-20-0963-HE |
|                 | ) |                    |
| LUKE PETTIGREW, | ) |                    |
|                 | ) |                    |
| Respondent.     | ) |                    |

**ORDER**

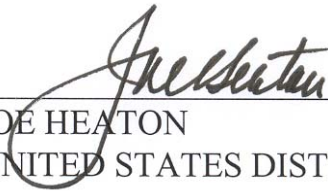
Petitioner Bryan Ross, a state prisoner appearing *pro se*, filed a habeas petition alleging ineffective assistance of counsel and that his trial court lacked jurisdiction to hear his case. Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Suzanne Mitchell. Judge Mitchell granted petitioner leave to proceed *in forma pauperis* and ordered that an initial partial filing fee of \$2.50 be paid by October 20, 2020. Petitioner was granted an extension until November 10, 2020, to pay the partial fee. Petitioner has failed to pay the partial filing fee, and Judge Mitchell has issued a Report and Recommendation recommending that the petition be dismissed.

The Report advised petitioner of his right to object to the Report by December 1, 2020. Petitioner has failed to object to the Report thereby waiving his right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010).

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #8]. The petition [Doc. #1] is **DISMISSED** without prejudice.

**IT IS SO ORDERED.**

Dated this 17<sup>th</sup> day of December, 2020.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE